

STATE OF SOUTH DAKOTA)
)
 COUNTY OF MINNEHABA)

IN CIRCUIT COURT

2nd JUDICIAL CIRCUIT

Sala Naambwe

Petitioner,

TPO NO. 17-326

-VS-

Juan Ogaldor

Respondent

NOTICE OF HEARING
 AND
 SUMMONS TO APPEAR
 (STALKING OR PHYSICAL INJURY)

TO THE PARTIES:

YOU ARE NOTIFIED that a Petition and Affidavit has been filed with this Court seeking a Protection Order against you according to the provisions of the South Dakota Protection from Stalking Act, SDCL ch. 22-19A; and/or from Physical Injury, SDCL 22-1-2(9). A copy of the Petition and Affidavit together with a copy of an Ex Parte Temporary Order of Protection, if one has been issued, are attached to this Summons and are served upon you.

☐ Temporary Order of Protection denied. Hearing only.

There will be a hearing on the Petitioner's Petition on the 25 day of April, 2017
 at 2:30 o'clock pm (am/pm), in the Minnehaha County
 Courthouse (Courtroom # 312) in Sioux Falls, South Dakota.

IF YOU FAIL TO APPEAR AT THE HEARING AND ANSWER THE PETITION, AN ORDER OF PROTECTION MAY BE ENTERED AGAINST YOU AS REQUESTED.

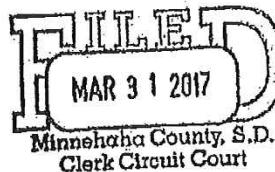
DATED 3, 31, 17.

Service of this notice is authorized on any day
 including Sunday.

Judge [Signature]

Attest: ANGELIA M. GREENS Clerk of Courts

By: [Signature]



Form UJS-12(B) (Stalking Notice of Hearing) Rev. 11/09

App. Tab

Y

exhibitsticker.com

STATE OF SOUTH DAKOTA)
 COUNTY OF Minnehaha)

IN CIRCUIT COURT

2nd JUDICIAL CIRCUIT

Sala Moambwe
 Petitioner,

TPO NO. 17-326

-vs-

Juan Ogaldez
 Respondent.

**PETITION AND AFFIDAVIT
 FOR A PROTECTION ORDER
 (STALKING, OR PHYSICAL INJURY
 AS A RESULT OF AN
 ASSAULT, OR A CRIME OF VIOLENCE)**

I, Sala Moambwe the above named Petitioner, or the Parent/Legal Guardian of the minor child Petitioner (the Filer), being duly sworn upon oath, state and affirm the following:

At least one party to the protection order—Petitioner, Respondent (the person against whom I seek this Protection Order), or a Protected Party (a minor child in my custody also victimized by Respondent)—is a South Dakota resident. Petitioner resides in Minnehaha County, South Dakota (state); Respondent resides in Minnehaha County, South Dakota (state); and any Protected Parties not residing with Petitioner or Respondent, reside in _____ County, _____ (state).

I AM ASKING THE COURT FOR A PROTECTION ORDER BASED UPON THE FACTS BELOW:

On or about (month) 12 (day) 13 (year) 14, at approximately _____ o'clock am (am/pm), Respondent committed the following act(s) that seriously alarmed, annoyed, or harassed Petitioner (if not me, my minor child), and any Protected Parties (check all that apply):

- ☐ Respondent willfully, maliciously, and repeatedly followed Petitioner and/or any Protected Parties.
☐ Respondent pursued a knowing and willful course of conduct which seriously alarmed, annoyed or harassed with no legitimate purpose. The pattern of conduct was a series of acts over a period of time, however short, showing a continuing pattern of harassment.
☐ Respondent made a credible threat with intent to cause reasonable fear of death or great bodily injury.
☐ Respondent willfully, maliciously, and repeatedly harassed Petitioner and/or any Protected Parties by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
☐ Respondent caused physical injury as a result of an assault.
☐ Respondent committed a crime of violence.

Provide a detailed description of what happened on the above date:

On this day Juan Ogaldez asked me to teach his private part and I refused, they told us that we can not work together and we didn't work together for a year and a half, but recently they have put us together again and when I work with him I feel really ill I have been home for a whole month not working. Next to next

(If you are requesting an immediate temporary protection order without notice to Respondent and without an opportunity for Respondent to appear, you must state why you believe Petitioner or any Protected Parties will suffer immediate and irreparable injury or damage if you or they have to wait until the hearing.)

**REQUEST FOR IMMEDIATE PROTECTION ORDER
WITHOUT NOTICE TO THE OTHER PARTY**

☐ I am not requesting an immediate Temporary Protection Order.

☒ In addition to what I have requested in sections 1-5 above, I further request that the Court grant Petitioner and any Protected Parties an immediate Temporary Protection Order Restraining Respondent from stalking or physical injury based upon the following sworn statements and beliefs:

The reasons Petitioner and any Protected Parties need this order immediately and cannot wait until the scheduled hearing are: because when he works next to me I feel scared and shocked and ill to

☐ I believe that Petitioner, and/or any Protected Parties will suffer immediate and irreparable injury, loss or damage if not granted an immediate Temporary Protection Order without notifying Respondent and Respondent's attorney or giving Respondent an opportunity to be heard.

The immediate and irreparable injury, loss or damage which I believe will be suffered is: _____

On this 31 day of 3, 2017, I swear or affirm under oath that the information I have provided in this Petition and Affidavit are true and correct to the best of my knowledge. I believe Petitioner and any Protected Parties are entitled to the protection I have requested. I am asking for this protection for valid reasons and am not attempting to harass the person I am seeking protection against and am not attempting to abuse or delay the court process or any other legal action.

Sala waamawe
Your Signature as ☒ Filer Only / ☐ Petitioner

Signed and sworn to before me on this 31 day of March, 2017

(SEAL)



[Signature]
Notary Public/Deputy Clerk of Court
Commission Expires: _____



Form UJS-121A (Stalking Petition)
Rev. 05/16

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF MINNEHAHA)

SECOND JUDICIAL CIRCUIT

<input type="checkbox"/> DOMESTIC	<input checked="" type="checkbox"/> STALKING	ORDER FOR PROTECTION TPO NO. <u>49TPO17-000326</u>
<input checked="" type="checkbox"/> EX PARTE TEMPORARY	<input type="checkbox"/> PERMANENT	
<input type="checkbox"/> MODIFICATION		

PETITIONER

SALA NAAMBWE

First Middle Last

By (name and DOB):

On behalf of a minor child by parent/guardian.

V.

RESPONDENT

JUAN OGALDEZ

First Middle Last

Relationship to Petitioner:

Respondent's Address:

PETITIONER IDENTIFIERS:

01/01/1972

Date of Birth of Petitioner

Other Protected Persons (name and DOB):

(See also 1B Additional Orders.)

RESPONDENT IDENTIFIERS:

SEX	RACE	HEIGHT	WEIGHT
M			
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #		STATE	EXPDATE

Distinguishing Features:

CAUTION: ☐ Weapon Involved**THE COURT FINDS:**

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard, and that in the case of an ex parte order, the Respondent will be provided with reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights.

THE COURT ORDERS:

That the Respondent is restrained from acts of abuse and physical harm, making threats of abuse, stalking or harassment.

That the Respondent is restrained from contact with the Petitioner by any direct or indirect means except as authorized in this order.

Additional findings and orders are on the following pages.

This order shall be effective

03/31	2017
Month/Day	Year

 through

04/25	2017
Month/Day	Year

Only this Court can change this order.

VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE.

WARNING TO RESPONDENT: This order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. §2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. §2262).

Having considered the Petition and Affidavit presented by the Petitioner, this Court **FINDS**:

1. That jurisdiction and venue are properly before this Court;
2. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly followed or harassed the Petitioner, or has made a credible threat with the intent to place the Petitioner in reasonable fear of death or great bodily injury, SDCL 22-19A-1; or
3. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly harassed the Petitioner by means of verbal, electronic, digital media, mechanical, telegraphic, or written communication, SDCL 22-19A-1; or
4. That the Petitioner alleges that he/she has suffered physical injury as a result of an assault or a crime of violence, SDCL 22-1-2(9); and
5. That the Petitioner alleges that he/she will suffer immediate and irreparable injury, loss, or damage before the Respondent or the Respondent's attorney has an opportunity to be heard.

THEREFORE THIS COURT ORDERS THAT THE RESPONDENT IS RESTRAINED FROM:

- ☒ a. FOLLOWING OR HARASSING PETITIONER, OR MAKING ANY CREDIBLE THREAT WITH THE INTENT TO PLACE PETITIONER IN REASONABLE FEAR OF DEATH OR GREAT BODILY INJURY, SDCL 22-19A-1;
- ☒ b. HARASSING PETITIONER BY MEANS OF ANY VERBAL, ELECTRONIC, DIGITAL MEDIA, MECHANICAL, TELEGRAPHIC, OR WRITTEN COMMUNICATION, SDCL 22-19A-1;
- ☒ c. CAUSING ANY INJURY AS A RESULT OF AN ASSAULT OR CRIME OF VIOLENCE SDCL 22-1-2(9).

ADDITIONAL ORDERS:

- ☒ 1) That the Respondent is excluded from the Petitioner's residence listed in 2C.
- ☒ 2) That the Respondent shall not come within a distance of 1000 ft. from the following persons and places:

- ☒ A. The Petitioner personally
- ☐ B. The following minor children named as other protected persons:

Name	Date of birth	Relationship
_____	_____	_____
_____	_____	_____

☒ C. The Petitioner's residence (street/apt) 4901 E 54th St Apt 41
(city) Sioux Falls (state) SD (zip) 57102

☒ D. The Petitioner's place of employment (street) 1400 N. Weber Ave
(city) Sioux Falls (state) SD (zip) 57102

☐ E. Other

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

This distance restriction applies unless otherwise specified in this order.

- ☒ 3) Phone calls, emails, third party contact, and correspondence, direct or indirect, are not permitted, to a protected person, except as follows:

☐ 4) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.

☐ 5) Other relief as follows:

WARNING TO RESPONDENT: You can be arrested for violating this protection order even if any person protected by the order initiates the contact or invites you to violate the order's prohibitions. Only the court can change the order; the protected person cannot waive any of its provisions. You may also be held in contempt for ignoring the terms of this protection order.

AND IT IS FURTHER ORDERED THAT: the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order and two copies of the Petition and Affidavit to the sheriff of this county. One copy of each shall be personally served by the sheriff upon the Respondent.

DATED 3.31.17

Service of this order is authorized on any day including Sunday.

Judge

Attest: ANGELIA M. GRIES, Clerk of Courts

Deputy



FILED
MAR 31 2017

NOTICE OF ENTRY OF ORDER OF PROTECTION
ACKNOWLEDGMENT OF PERSONAL SERVICE
Minnehaha County, South Dakota } ss.
Clerk Circuit Court }
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in my office.

I acknowledge receipt of a copy of this Temporary Order of Protection.

MAR 31 2017

Petitioner

Respondent

Clerk of Courts, Minnehaha County

By [Signature] Deputy

UNDER A PERMANENT PROTECTION ORDER: You may be subject to the following federal laws: (1) Effective immediately, you may not possess, carry, ship or transport any firearm or ammunition that has been transported in interstate or foreign commerce while this Protection Order is in effect. Title 18 United States Code Section 922(g)(3). (2) If you violate this Protection Order and are convicted of an offense of domestic violence, you may be forbidden for life from possessing, carrying, shipping or transporting, any firearm or ammunition that has been transported in interstate or foreign commerce. Title 18 United States Code Section 922(g)(9). Violation of these federal laws carries a maximum penalty of ten years in prison, a \$250,000 fine, or both.